

CHAPTER NO. 887

SENATE BILL NO. 2471

By McNally, Woodson, Ketron, McLeary, Burchett, Tracy, Finney, Cooper, Crowe, Beavers, Harper, Kilby, Kurita, Bowers, Curtis S. Person, Jr., Mr. Speaker Wilder, Bryson, Black, Cohen, Crutchfield, Burks

Substituted for: House Bill No. 2495

By Fowlkes, DuBois, Briley, Winningham, Langster, Harwell, Sontany, Hood, McDaniel, West, Fraley, Curtiss, Davidson, Ferguson, Borchert, Marrero, Buck, Eldridge, Shaw, Litz, Crider, McMillan, Swafford

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 44, Part 1, relative to enact the "Sunshine In Government Improvement Act of 2006".

WHEREAS, Tennessee's open government laws were adopted to bring transparency and public confidence in government and to ensure public participation in the government process; and

WHEREAS, Tennesseans get no assistance in navigating and enforcing complex open government laws and rules; and

WHEREAS, a statewide survey of public records compliance in 95 counties showed that many public employees lack training and knowledge about the rights of citizens under Tennessee's open government laws and transparency mandates of the General Assembly; and

WHEREAS, a recent survey of newspaper reports by the Tennessee Coalition for Open Government showed complaints of alleged open meeting law violations increased 45% between 2003 and 2005; and

WHEREAS, a series of appellate court decisions since 1976 have upheld and further defined these citizen rights under the Tennessee Constitution, they are nowhere reflected in statutes to better serve the citizens of the state; and

WHEREAS, it is the intent of the General Assembly that all Tennesseans have the utmost respect and trust in the operation of government and the enforcement of laws enacted for their benefit; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. There is hereby created a special joint committee to study the open government laws in the State of Tennessee. The goal of the study is to determine whether the open government laws need updating or revising to better serve the citizens of this state.

SECTION 2. The special joint committee shall consist of eighteen (18) members as follows:

(1) Two (2) members of the House of Representatives and two (2) members of the Senate, to be appointed by the respective speakers;

(2) Two (2) members to be appointed by the governor with at least one (1) member who is an African-American journalist;

(3) One (1) member to be appointed by the Tennessee Press Association;

(4) One (1) member to be appointed by the Tennessee Association of Broadcasters;

(5) One (1) member to be appointed by the Tennessee Coalition for Open Government;

(6) Two (2) members to be appointed by the Tennessee Municipal League; with one (1) member being an elected municipal official and at least one (1) member who is African-American;

(7) Two (2) members to be appointed by the Tennessee County Services Association; with one (1) member being an elected county official and at least one (1) member who is African-American;

(8) One (1) member to be appointed by Common Cause;

(9) One (1) member to be appointed by the Tennessee School Boards Association, who shall be an elected school board official;

(10) One (1) member to be appointed by the state association of the Tennessee League of Women Voters;

(11) One (1) member who serves on a local public utility board; and

(12) One (1) member to be designated by the Society of Professional Journalists.

Appointments shall be made to reflect the broadest possible representation of Tennessee citizens.

SECTION 3. All legislative members of the special joint committee who are duly elected members of the general assembly shall remain members of such committee until the committee reports its findings and recommendations to the general assembly.

SECTION 4. The non-legislative members shall not receive compensation for serving on the committee but shall be reimbursed for attendance at meetings in accordance with the comprehensive travel regulations promulgated by the Commissioner of Finance and Administration and approved by the attorney general.

SECTION 5. The committee shall be convened by the legislative member with the most years of continuous service in the general assembly, and at its first meeting shall elect a chair, vice chair and such officers the committee deems necessary.


SECTION 6. At the request of the committee, the various agencies and entities of state government shall assist the committee in the performance of its duties.

SECTION 7. The special joint committee shall timely report its initial findings and recommendations by December 1, 2006, including any proposed legislation. The special joint committee shall issue a final report by February 1, 2007, at which time the committee shall cease to exist.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR